IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 6034 of 2007(R)

PETITIONER:

JOSEPH, S/O. VARKEY, AGED 84 YEARS,
RESIDING IN MALISSERIL PUTHENPURAMBIL
KARRUMADY P.O., ALAPPUZHA.

BY ADV. SRI.K.S.HARIHARAPUTHRAN
SRI.M.D.SASIKUMARAN
SRI.GEORGE MATHEW

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS
SECRETARY, MOTOR VECHICLES, GOVERNMENT
SECRETARIAT, THIRUVNANTHAPURAM.

2. DISTRICT COLLECTOR,
CIVIL STATION, ALAPPUZHA.

3. DEPUTY TAHSILDAR (R.R.)
AMBALAPUZHA TALUK, ALAPPUZHA.

4. VILLAGE OFFICER, KARRUMADY VILLAGE,
ALAPPUZHA.

5. ANTONY JOSEPH, S/O. JOSEPH,
MALISSERIL PUTHENPARAMBIL,
KARRUMADY P.O., ALAPPUZHA.

R1 TO R4 BY G.P. SRI. MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF SALE DEED NO. 873 DATED 15.4.2004 OF THE SRO AMBALAPPUZHA

EXT.P2 TRUE COPY OF THE BASIC TAX RECEIPT NO. 3492034 DATED 14.11.2006

EXT.P3 TRUE COPY OF THE REVENUE RECOVERY DEMAND NOTICE DATED 17.7.2006

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 6034 OF 2007

Dated this the 20th day of June, 2007

JUDGMENT

The challenge is against recovery proceedings for recovery of arrears due from petitioner's son. Property of the petitioner cannot obviously be attached for recovery of arrears due from the petitioner's son. Petitioner is directed to produce documents of title before the third respondent who will verify the same and if defaulter has no right in the property, he will exempt the petitioner's property from recovery proceedings. Respondents 2 to 4 are free to identify the property of the defaulter and proceed for recovery. If the arrear is with regard to motor vehicle tax, I find no reason why the vehicle should not be seized and sold.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge